

REMARKS

I. Introduction

Claims 9 to 16 are currently pending in the present application. Claims 9 to 16 have been rejected by the Office Action. In view of the following remarks, it is respectfully submitted that the pending claims are allowable, and reconsideration is respectfully requested.

In response to the Examiner's requirement for information under 37 C.F.R. 1.98(a)(2), Applicants respectfully note that the copies of the references should have been provided by the International Searching Authority. Nevertheless, to facilitate matters, copies of the foreign references (cited in the previously filed IDS) accompany this response. It is respectfully requested that they be considered and made of record.

In response to the Examiner's assertion that the title of the invention is not descriptive, the title has been modified herein as suggested by the Examiner.

II. Rejection of Claim 10 under 35 U.S.C. §112

Claim 10 was rejected under 35 U.S.C. §112 as being indefinite. Claim 10 has been amended herein without prejudice to obviate the present rejection. Withdrawal of this rejection is therefore respectfully requested.

III. Rejection of Claims 9, 10, and 12 under 35 U.S.C. §102

Claims 9, 10, and 12 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,441,511 (the "Masudaya" reference). Applicants note that this rejection should be withdrawn for at least the following reasons.

To anticipate a claim under § 102(e), a single prior art reference must identically disclose each and every claim element. See Lindeman Maschinenfabrik v. American Hoist and Derrick, 730 F.2d 1452, 1458 (Fed. Cir. 1984). If any claimed element is absent from a prior art reference, it cannot anticipate the claim. See Rowe v. Dror, 112 F.3d 473, 478 (Fed. Cir. 1997). Additionally, not only must each of the claim limitations be identically disclosed, an anticipatory reference must also enable a person having ordinary skill in the art to practice the claimed invention, namely the inventions of the rejected claims, as discussed above. See Akzo, N.V. v. U.S.I.T.C., 1 U.S.P.Q.2d 1241, 1245 (Fed. Cir. 1986). To the extent that the

Examiner may be relying on the doctrine of inherent disclosure for the anticipation rejection, the Examiner must provide a “basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristics necessarily flow from the teachings of the applied art.” (See M.P.E.P. § 2112; emphasis in original; see also Ex parte Levy, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Inter. 1990)).

With regard to claim 9, the “Masudaya” reference does not identically disclose, or even suggest, the claim features of “a primary side including **two processors** configured to exchange data with one another; and a secondary side in communication with the primary side, the secondary side including **two processors** configured to exchange data with one another.” Figure 1 of the “Masudaya” reference clearly illustrates that there is only one processor (CPU 12) supporting both the column side and the steering side. “[O]n the column side, there are provided, .. a first-carrier generation means 3 for generating a first carrier, a first modulation circuit 4 for modulating the first carrier, a first transmission circuit 14 for transmitting a first modulated carrier to the steering-wheel side, a second reception circuit 17 for receiving a signal from the steering-wheel side, a second demodulation circuit 11, a CPU 12” (The “Masudaya” reference, column 3, lines 62 to 67 (emphasis added)). A second CPU is neither shown in any of the figures nor mentioned anywhere in the reference. In fact, it is stated that “the second demodulated signal generated by the second demodulation circuit 11 is supplied to the CPU 12 too. The CPU 12 controls the operation of the other electronic equipment 13 in accordance with the second demodulated signal received from the second demodulation circuit 11.” (The “Masudaya” reference, column 5, lines 33 to 38.) Thus, only one CPU is provided in the “Masudaya” reference, and therefore Masudaya does not identically disclose or suggest the claim features of “a primary side including **two processors** configured to exchange data with one another; and a secondary side in communication with the primary side, the secondary side including **two processors** configured to exchange data with one another.”

For at least the foregoing reasons, claim 9 and its dependent claims 10 and 12 are allowable over Masudaya.

IV. Rejections of Claims 11 & 13-16 under 35 U.S.C. §103(a)

Claim 11 has been rejected under 35 U.S.C. §103(a) as being unpatentable over the “Masudaya” reference in view of U.S. Patent No. 5,232,243 (The “Blackburn” reference).

Applicants respectfully submit that the rejection should be withdrawn for at least the following reasons.

In rejecting a claim under 35 U.S.C. §103(a), the Examiner bears the initial burden of presenting a prima facie case of obviousness. In re Rijckaert, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). To establish prima facie obviousness, three criteria must be satisfied. First, there must be some suggestion or motivation to modify or combine reference teachings. In re Fine, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988). This teaching or suggestion to make the claimed combination must be found in the prior art and not based on the application disclosure. Second, there must be a reasonable expectation of success. In re Merck & Co., Inc., 800 F.2d 1091 (Fed. Cir. 1986). Third, the prior art references must teach or suggest all of the claim limitations. In re Royka, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974). To the extent that the Examiner may be relying on the doctrine of inherent disclosure to support the obviousness rejection, the Examiner must provide a “basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristics necessarily flow from the teachings of the applied art.” (See M.P.E.P. § 2112; emphasis in original; see also Ex parte Levy, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Inter. 1990)).

Claim 11 depends from claim 1 and is therefore allowable for the same reasons as claim 1 since the secondary Blackburn reference does not cure (and is not asserted to cure) the critical deficiencies of the primary Masudaya reference.

Claims 13 to 15 were rejected under 35 U.S.C. §103(a) as being unpatentable over the “Masudaya” reference in view of U.S. Patent No. 5,856,710 (The “Baughman” reference).

Claims 13 to 15 depend from claim 1 and are therefore allowable for the same reasons as claim 1 since the secondary Baughman reference does not cure (and is not asserted to cure) the critical deficiencies of the primary Masudaya reference.

Claim 16 was rejected under 35 U.S.C. §103(a) as being unpatentable over the “Masudaya” reference in view of U.S. Patent No. 3,668,627 (The “Brainerd” reference).

Claim 16 depends from claim 1 and is therefore allowable for the same reasons as claim 1 since the secondary Brainerd reference does not cure (and is not asserted to cure) the critical deficiencies of the primary Masudaya reference.

For at least the foregoing reasons, claim 9 and its dependent claims 10 to 16 are in allowable condition. Accordingly, removal of the obviousness rejections is respectfully requested.

V. CONCLUSION

Applicants respectfully submit that all pending claims of the present application are now in condition for allowance. Prompt reconsideration and allowance of the present application are therefore earnestly solicited.

Respectfully submitted,

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